

## **POLICING THE INTERNET: *JAKE BAKER* AND BEYOND**

**March 9, 1995**

### **OPENING STATEMENT BY DEAN LEHMAN**

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**Mark Long**, Editor-in-Chief of the *Michigan Telecommunications and Technology Law Review*:

Good evening and welcome to our panel discussion, *Beyond Jake Baker: Policing the Internet*. My name is Mark Long and I am with the *Michigan Telecommunications and Technology Law Review*, the organization hosting this event. Our group is committed to providing a forum for informed discourse of challenging legal and public policy issues created by the evolving role of technology in society.

We are very fortunate tonight to have assembled such a distinguished panel of speakers who will make compelling arguments from different perspectives.

One note, Professor Lively, who was to be the moderator, fell ill today and we were very lucky to have Professor Lowenstein from the University of Michigan to take his place.

We hope that you will find the discussion engaging, provocative and informative, and we hope that you will take this opportunity to ask questions and participate in the discussion.

Before I introduce Dean Lehman, I would like to explain how the Jake Baker case fits into tonight's event.

This is not a forum for an in depth examination of the facts of the case. Instead, the panel will address the broader legal and policy issues which the Baker case presents.

Although whether to address particular aspects of the case is up to the individual panelist, the case itself is primarily a backdrop for the discussion.

In addition to hosting events discussing technology such as the Internet, the *Michigan Telecommunications and Technology Law Review* uses these types of technologies to further the discourse. We will be using on-line technology to publish our Law Review and will be using the Internet as an important resource for disseminating and accessing information.

By using these new tools, we can go beyond the limitations of traditional publishing. Together with others using these technologies, we will be able to provide unprecedented access to information, and an efficient means for interactive communication on a broad array of legal topics.

One example of this is that a transcript of tonight's proceedings will be available on our organization's World Wide Web home page as early as tomorrow night.

People from Christchurch, New Zealand to Columbus, Ohio, will perhaps benefit from our discussion here tonight.

Please see the program for how to access this important resource.

Now, I'd like to introduce the Dean of the Michigan Law School, Jeffrey Lehman.

Thank you.

*(Applause)*

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**DEAN LEHMAN:** Welcome. One of the great pleasures of being the Dean of this Law School is the opportunity that I have to work with the students who study here. In substantial part, our strength as an intellectual community derives from our students' commitment to inquiry, to debate and to reflection.

The students who are associated with the *Michigan Telecommunications and Technology Law Review* exemplify the characteristics that we cherish in our entire student body. They're intellectually curious and they are willing to volunteer their time to ensure that the entire university community benefits from their curiosity.

It is wonderful to see so many people here tonight. The fire marshall might not agree with me, but I think it's absolutely fantastic.

Tonight's panel discussion epitomizes the work of this group for the new electronic media have the unique potential to reshape our society in ways that touch upon almost any discipline that is studied within a university.

Those media present extraordinary technological challenges; challenges that are considered in the basic sciences and in engineering.

They present economic challenges; challenges that many economists are grappling with as they consider how the Internet affects how we price the production of information and its dissemination.

They present psychological challenges as we try to determine whether the human brain assimilates information in different ways depending upon the technology through which that information is acquired.

They present sociological challenges as we try to understand the new types of human communities that are developing in what some people refer to as cyber space. And are of particular interest to us in this building, they present new legal challenges.

Our laws are the momentary reconciliation of deep conflicts within our society. Conflicts among individual desires and conflicts among shared public values.

New technologies have the potential to disrupt our sense of what constitutes an appropriate reconciliation of competing desires and competing values. A fragile but stable compromise in one technological environment can easily shatter when the environment shifts.

Tonight our panelists will attempt to illuminate some of the competing desires and competing values that have historically been resolved through the use of legal categories; categories such as pornography, free speech, gender discrimination, privacy, harassment, censorship, threats, state action, not to mention important questions about the goals and functions of a university community.

The challenge for us as we listen to these distinguished panelists will be to decide whether, and if so how, the new technology should change the ways in which we understand these categories, and indeed the extent to which we need to develop new intellectual categories to express the values and desires that are at issue.

It is my pleasure to introduce now the moderator of tonight's panel discussion.

We are extremely grateful to professor Joan Lowenstein for her willingness to step in at the last moment tonight.

Professor Lowenstein has worked as a television reporter and she also holds a law degree from the University of Florida. She is currently a member of the faculty of Michigan's Department of Communications where she teaches a course entitled, Freedom of Expression.

She is the co-chair of the University's Board of Student Publications, and she is preparing an article on the Jake Baker incident for this Sunday's edition of the Chicago Tribune.

I am pleased to turn the podium over to Professor Lowenstein who will in turn introduce tonight's panelists.

*(Applause)*